

1504237-Trustee-A-Rich  
 ALLEN C. BROWN  
 PO BOX 1909  
 ATTORNEY AT LAW  
 WINTERVILLE, NC 28590

IN RE  
 GIA L WILLIAMS  
 1050 NAI RAD LANE

WILLIAMSTON, NC 27892  
 SSN or Tax I.D. XXX-XX-1877

Richard M. Stearns  
 1015 Conference Dr.  
 Greenville, NC 27858

Chapter 13  
 Case Number: 15-04237-5-SWH

# NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Richard M. Stearns, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 12/24/2015, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court  
 PO Box 791  
 Raleigh, NC 27602

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addresses:

Debtor(s):	Attorney:	Trustee:
GIA L WILLIAMS	ALLEN C. BROWN	Richard M. Stearns
1050 NAI RAD LANE	PO BOX 1909	1015 Conference Dr.
WILLIAMSTON, NC 27892	ATTORNEY AT LAW	Greenville, NC 27858
	WINTERVILLE, NC 28590	

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: November 23, 2015

Richard M. Stearns  
 Chapter 13 Trustee  
 1015 Conference Dr.  
 Greenville, NC 27858

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
GREENVILLE DIVISION**

**IN RE:**

**CASE NUMBER: 15-04237-5-SWH**

**GIA L. WILLIAMS**

**CHAPTER 13**

**DEBTOR(S)**

**MINUTES OF 341 MEETING AND  
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on September 11, 2015, or has supplied answers to written interrogatories;
2. The debtor(s) has/have complied with all requirements of 11 U.S.C. §521 (a) (1) (B) and Interim Bankruptcy Rules 1007 and 4002 (b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521 (i);
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. That the Trustee has reviewed the schedules and relative information in the debtor(s) petition and has made a determination of the disposable income for the debtor(s) in this case. The calculation of disposable income impacts on what, if any, dividend will be received by unsecured creditors. The debtor(s) plan provides for payments of:  
  
\$815.00 PER MONTH FOR 1 MONTH, THEN, \$915.00 PER MONTH FOR 58 MONTHS.
5. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
6. Generally, and subject to orders entered hereafter by the Court, any proof of claim that is not filed on or before December 10, 2015 ("Bar Date") shall be disallowed. Claims of governmental units, proofs of which are not filed before February 1, 2016 ("Government Bar Date") shall be disallowed;
7. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below:
  - a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

b. Continuing Long Term Debts to be paid by the Trustee:

**IF A PROOF OF CLAIM IS TIMELY FILED** the claim is to be paid on a monthly basis according to the terms of the contract effective the first month after confirmation. Arrearages, if any, to be paid over the life of the plan.

Two post-petition contractual payments shall be included in the arrearage claim.

**The Debtor is to resume direct payments upon completion of plan payments. (SEE PARAGRAPH 8 BELOW)**

<u>Creditor</u>	<u>Collateral</u>
NONE	

c. Claims paid to extent of claims as filed (no cramdown):

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#009 SANTANDER CONSUME USA	2008 FORD F150	\$16,156.61; TO BE PAID OVER THE TERM OF THE PLAN @ <b>5.25% INTEREST.</b>
#020 SCHEWEL FURNITURE	HHG	\$251.16; TO BE PAID OVER THE TERM OF THE PLAN @ <b>5.25% INTEREST.</b>

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
#008 FORD MOTOR CREDIT CO, LLC	2013 FORD FOCUS	\$12,925.00 SECURED	TO BE PAID OVER THE TERM OF THE PLAN @ <b>5.25% INTEREST.</b>
		\$5,834.46 UNSECURED	

e. Claims to be avoided by the debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
NONE		

Pursuant to Local Rule 3070-1(b) some secured creditors may be entitled to pre-confirmation adequate protection payments.

8. **LONG TERM RESIDENTIAL MORTGAGE CLAIMS** shall be paid in a manner consistent with Local Rule 3070-2.

9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as: "Abandon," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic co-debtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(a)(1), as allowed by Local Rule 4001-1(b):

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief;

10. That the treatment of claims indicated in paragraphs 7, 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. That confirmation of the Plan vests all property of the estate in the debtor(s);
15. That the attorney for the debtor(s) is requesting fees in the amount of \$3,700.00. The Trustee recommends to the Court a fee of \$3,700.00. If the recommended fee is different from that requested an explanation can be found in Exhibit 'A'.
16. Other Provisions: NONE

RICHARD M. STEARNS

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Standing Chapter 13 Trustee

**EXHIBIT 'A'****DEBTORS:** GIA WILLIAMS **CASE NUMBER:** 15-04237-5-SWH**EMPLOYMENT:**

Debtor: NEW DIXIE OIL CO. & GROSS INCOME: \$3,637.33  
 DECEASED  
 HUSBANDS  
 MILITARY BENEFITS

Spouse:

**Prior Bankruptcy** Yes ☐ No ☒ If so, Chapter filed**cases:**

Disposition:

**Real Property:** House and Lot ☐ Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: N/A

FMV

Date Purchased

Liens

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent \$475.00

Tax Value

Description N/A

FMV

Date Purchased

Liens

Purchase Price

Exemption

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

**COMMENTS:****Attorney** Requested: \$3,700.00 (excluding filing fee)**Fees:** Paid: \$193.00 (excluding filing fee)

Balance: \$3,507.00

**Trustee's Recommendation:** \$3,700.00

Comments:

**Plan Information:**

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$73,802.01	Pay in	\$53,885.00	Priority	0.00%
Priority	\$0.00	Less 8.00%	\$4,310.80	Secured	100.00%
Secured	\$33,345.03	Subtotal	\$49,574.20	Unsecured	0.00%
Unsecured	\$40,456.98	Req. Atty. Fee	\$3,507.00	Joint	0.00%
Joint Debts	\$0.00	Available	\$46,067.20	Co-Debts	0.00%
Co-Debtor	\$0.00				

**Annual Review:** Yes ☒ No ☐**Payroll Deduction:** Yes ☐ No ☒**Objection to Confirmation:**Yes ☐ No ☒

Pending:  
Resolved:

Motions Filed:            Yes    ☐    No    ☒

If so, indicate type and status:

Hearing Date:

# CERTIFICATE OF MAILING

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TASK: 11-20-2015.00800031.LSA000 DATED: 11/23/2015

Court Served Electronically

Trustee	Richard M. Stearns	1015 Conference Dr. Greenville, NC 27858
Debtor	GIA L WILLIAMS	1050 NAI RAD LANE WILLIAMSTON, NC 27892
799	000002 ALLEN C. BROWN ATTORNEY AT LAW	PO BOX 1909 WINTERVILLE, NC 28590
IRS	000005 INTERNAL REVENUE SERVICE CENTRALIZED INSOLVENCY	P.O. BOX 7317 PHILADELPHIA, PA 19101-7317
ATYGEN	000003 The Honorable Loretta Lynch 950 Pennsylvania Ave. NW	U.S. Department of Justice Washington, DC 20530
018	000018 ONEMAIN CHAPTER 13 BANKRUPTCY	PO BOX 499 HANOVER, MD 21076
020	000020 SCHEWEL FURNITURE ATTN: RACHEL CREMEANS	POB 6120 LYNCHBURG, VA 24505-6120
USATTY	000007 US ATTORNEY 310 NEW BERN AVE, FEDERAL BLDG	ATTN: CIVIL PROCESS CLERK, STE 800 RALEIGH, NC 27601-1461
NCREV	000006 NC DEPT. OF REVENUE ATTN: ANGELA FOUNTAIN	PO BOX 1168 RALEIGH, NC 27602-1168
ESC	000004 EMPLOYMENT SECURITY COMMISSION CHAPTER 13 BANKRUPTCY	PO BOX 26504 RALEIGH, NC 27611
028	000028 BRANCH BANK AND TRUST COMPANY PO BOX 1847	ATTENTION: MR. JACK R HAYES WILSON, NC 27894-1847
010	000010 BB&T PO BOX 1847	BANKRUPTCY SECTION 100-50-01-51 WILSON, NC 27894-1847
011	000011 CAPITAL ONE	PO BOX 71083 CHARLOTTE, NC 28272-1083
017	000017 NATIONAL FINANCE COMPANY, INC 151 PINNACLE PLACE	BANKRUPTCY SECTION LITTLE RIVER, SC 29566
013	000013 LVNV FUNDING LLC PO BOX 10587	C/O RESURGENT CAPITAL SERVICES GREENVILLE, SC 29603-0587
024	000024 TRIDENT ASSET MANAGEMENT	53 PERIMETER CTR E STE 450 ATLANTA, GA 30346-2287
014	000014 MEDICAL DATA SYSTEMS BANKRUPTCY DEPT.	645 WALNUT STREET, STE 5. GADSDEN, AL 35901
021	000021 SPRINGLEAF FINANCIAL SERVICES	PO BOX 3251 EVANSVILLE, IN 47731
022	000022 MIDLAND CREDIT MANAGEMENT, INC PO BOX 2011	AS AGENT FOR MIDLAND FUNDING LLC WARREN, MI 48090
025	000025 WEBBANK - FINGERHUT	6250 RIDGEWOOD ROAD ST. CLOUD, MN 56303
015	000015 MILITARY STAR	3911 S WALTON WALKER RD DALLAS, TX 75236-1509
016	000016 MONTGOMERY WARD P.O. BOX 800849	C/O CREDITORS BANKRUPTCY SERVICE DALLAS, TX 75380
009	000009 SANTANDER CONSUMER USA	PO BOX 961245 DALLAS, TX 76161
019	000019 SANTANDER CONSUMER USA INC P.O BOX 961245	AS ASSIGNEE FOR FIFTH THIRD BANK FORT WORTH, TX 76161-1245

# CERTIFICATE OF MAILING

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TASK: 11-20-2015.00800031.LSA000 DATED: 11/23/2015

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008	000008	FORD MOTOR CREDIT CO	POB 62180 COLORADO SPRINGS, CO 80962
008	000026	FORD MOTOR CREDIT CO	POB 62180 COLORADO SPRINGS, CO 80962
012	000012	QUANTUM3 GROUP LLC PO BOX 788	C/O COMENITY BANK KIRKLAND, WA 98083-0788
026	000027	QUANTUM 3 GROUP LLC AS AGENT FOR PO BOX 788	SADINO FUNDING LLC KIRKLAND, WA 98083-0788
023	000023	TD BANK USA, NA 2001 WESTERN AVENUE	c/o WEINSTEIN & RILEY, PS SEATTLE, WA 98124

30 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 11/23/2015.  
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.  
EXECUTED ON 11/23/2015 BY /S/EPIQ Systems, Inc.

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\*CM - Indicates notice served via Certified Mail